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10/021,082	12/19/2001	Taiji Suga	DAIN:659	8731

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EXAMINER
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ART UNIT	PAPER NUMBER
2872	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/021,082	Applicant(s) SUGA ET AL.	
	Examiner MOHAMMAD Y SIKDER	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) *12-16* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-11, drawn to an antiglare film, classified in class 359, subclass 601.

II. Claims 12-16, drawn to a process for producing an antiglare film, classified in class 359, subclass 900.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Robert Willeand on 7/23/03 a provisional election was made with traverse to prosecute the invention of Group I,

claims 1-11. Affirmation of this election must be made by applicant in replying to this Office action. Claims 12-16 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yasunori et al. (6,417,619).

Yasunori et al. (6,417,619) shows (see fig. 3c):

a) transparent plastic film 3c, antiglare layer 72c having fine concaves and convexes, said antiglare layer satisfies requirement of ten point mean roughness 0.9 μm to 3 μm, and the mean spacing of roughness peak is 20 μm to 50 μm, as claimed in claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasunori et al. (6,417,619) in view of Oka et al. (5,909,314).

As set forth above, Yasunori et al. (6,417,619) shows the invention substantially as claimed except for:

a) total transmittance not less than 87% and a haze value of 5-40, as claimed in claim 2,

b) a cured product of an ionizing radiation-curable resin, as claimed in claim 3,

c) a primer layer between plastic film and the antiglare film, as claimed in claim 4.

Oka et al. (5,909,314) shows:

a) total transmittance not less than 87% and a haze value of 5-40, see col. 28, lines 62-64, as claimed in claim 2,

b) a cured product of an ionizing radiation-curable resin, see col. 12, lines 28-30, as claimed in claim 3,

c) a primer layer 14 between plastic film 11 and the antiglare film 13, see fig. 16, as claimed in claim 4.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use total transmittance not less than 87% and a haze value of 5-40, a cured product of an ionizing radiation-curable resin, and a primer layer 14 between plastic film 11 and the antiglare film 13, as disclosed by Oka et al. (5,909,314) in the device of Yasunori et al. (6,417,619) to achieve the device as claimed, because the use of such total transmittance not less than 87% and a haze value of 5-40 would provide excellent antireflection antiglare properties , the cured product of an ionizing radiation-curable resin and a primer layer between plastic film and the antiglare film would provide improve the glare effect.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasunori et al. (6,417,619) in view of Oka et al. (5,909,314) as applied to claim 4 above, and further in view of Ogata et al. (6,238,631).

As set forth above, Yasunori et al. (6,417,619) and Oka et al. (5,909,314) show the invention substantially as claimed except for the primer layer being fine particles.

The use of the primer layer of fine particles is well known in the art and can be seen in Ogata et al. (6,238,631), see col. 7, lines 1-5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the primer layer of fine particles as disclosed by Ogata et al. (6,238,631) in the device of Yasunori et al. (6,417,619) in view of Oka et al. (5,909,314) to achieve the device as claimed, because the use of such primer layer of fine particles would provide even distribution of the of the material.

Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasunori et al. (6,417,619) in view of Namioka (6,419,366).

As set forth above, Yasunori et al. (6,417,619) shows the invention substantially as claimed except for polarizing plates, and LCD.

Namioka (6,419,366) shows the use of polarizing plates 3, 6, and LCD 5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use polarizing plates 3, 6, and LCD 5, as disclosed by Namioka (6,419,366) in the device of Yasunori et al. (6,417,619) to achieve the device as claimed, because the use of such polarizing plates , and LCD would provide better resolution of the image of the object.

CONTACT INFORMATION

Papers related to this application may be submitted to Group 2870 by facsimile transmission. Papers should be faxed to Group 2870 via the PTO Fax center located in the Crystal Plaza 4. Faxing of such papers must conform with the notice published in the official Gazette, 1096 OG 30 (November 15, 1989). The CP-4 Fax Center number is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application should be directed to M. Sikder whose telephone number is (703) 305-5471.

MOHAMMAD SIKDER
PRIMARY EXAMINER

Sunday, August 10, 2003